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# Moynihan Agonistes

On June 3, the Senate finally passed S. 2284, the Intelligence Oversight Act of 1980. Between its introduction in January and its passage in June, this bill dwindled from a 176-page comprehensive charter (albeit one that unleashed more than it leashed) to its current eight paragraphs limited to reporting requirements. [See editorial, "Less Is More," May 24.] Of the many twists and turns along the way, none was more striking or unexpected than the emergence late in the day of Senator Daniel Patrick Moynihan as a leading advocate of several groups that have been in the forefront of efforts to place curbs on the Central Intelligence Agency.

S. 2284 is purely procedural, the result of the Senate Intelligence Committee's inability to agree on substantive matters. In order to prevent the bill from being laden with amendments that might have delayed or even blocked passage, the committee members agreed to refrain from offering any amendments on the floor. All agreed, that is, except Senator Moynihan, who introduced an amendment designed to bar intelligence agencies or agents from employing or posing as "any member of the religious, news media, or academic profession."

Although they supported Moynihan's goal, many of the legislative representatives of these groups feared that this amendment—which, they felt, could not pass and would be vetoed if it did—would trigger an onslaught of hostile amendments that would easily pass. And a defeat of the measure, they warned, would be interpreted as a virtual Government announcement that all American academics, journalists and missionaries were potential C.I.A. agents. No doubt out of deference to these concerns among his supporters, as well as his own sense of the votes, Senator Moynihan withdrew his amendment before it came to a vote, but not before going on record with some stirring rhetoric on behalf of preventing the intelligence agencies from compromising the independence of these professions. Asked by Senator Malcolm Wallop why these three professions were so special, Moynihan replied with feeling that "they go abroad, they probe into the public lives of governments and the private lives of individuals in the way that academicians and journalists and clergymen must." Indeed, Moynihan declared at one point, "if it came to a choice in this body between abolishing the intelligence community and seriously impairing the effectiveness of the American press, there would, I think, be no question about what the national interest would be. The national interest would be in maintaining the effectiveness, such as it is, of the American press."

This was surprising

who, in January, had introduced a bill that was widely referred to as the C.I.A.'s wish list. Moynihan's bill, S. 2216, would have repealed Hughes-Ryan, largely exempted the intelligence agencies from the Freedom of Information Act and criminalized the naming of intelligence agents—a veritable laundry list of the C.I.A.'s fondest desires. [See George Lardner Jr., "Moynihan Unleashes the C.I.A.," February 16.]

A month after introducing S. 2216, however, Moynihan discovered constitutional difficulties in a section of his bill that would have made it a crime for journalists to disclose the names of intelligence agents or sources, even if the information were unclassified. (Under this provision, the editors of *The Washington Post* could have been indicted for printing the fact that King Hussein of Jordan had been given money by the C.I.A.) In what must rank as one of the most remarkable turnabouts on record, Moynihan withdrew his support from this section of his bill and even managed to become indignant about it, describing it as "extraordinarily careless of the rights of journalists. . . . And I for one," he righteously concluded, "will have nothing to do with it."

Another part of that same section—one that applied to the release of information identifying intelligence sources by those with authorized access to it (such as former government officials)—escaped his anger. And that is striking, for if that provision had been law in 1978 it might have sent Moynihan himself to jail. In *A Dangerous Place*, which was published in 1978 and which describes his experiences as Ambassador to India and the United Nations, Moynihan caused an international furor by revealing that the C.I.A. had given money to India's Congress Party and that "once it was given to Mrs. Gandhi herself." For this sort of indiscretion Moynihan's bill provided a fine of not more than \$50,000 or imprisonment for not more than ten years. Or both.

In the discussions of C.I.A. charter legislation this winter and spring, Senator Moynihan was a strong advocate of Congressional oversight, but he also joined former Director of Central Intelligence James Schlesinger and others in criticizing the proposed charter, S. 2284 (which later shrank to the version passed June 3), as an unwieldy list of do's and don't's unsuitable for a "risk-taking" organization like the C.I.A. It was never clear what don't's he had in mind, however, since the only substantive prohibitions in S. 2284 were bans on assassination and domestic propaganda and a weak ban on the infiltration of media, academic and religious groups. Moynihan's position on this last issue had been consistent at least since July 1978, when he stated in hearings on S. 2525 (the sire of S. 2284) that legislation protecting these groups was unnecessary. In fact, he claimed then, the allegations that they were infiltrated came from "disinformation efforts directed by the K.G.B.," which would "lie about you when this law is passed, too."